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10/717,930	11/21/2003	Dirk Jan Bulsink	008895-0306940	7548

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

KHAIRA, NAVNEET K

ART UNIT PAPER NUMBER

3754

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/717,930

Applicant(s)

BULSINK, DIRK JAN

Examiner

Navneet Sonia Khaira

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 9-11 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Meshberg (US 3,858,762)

Referring to claim 1, Meshberg discloses an air freshener for dispensing a spray of deodorant, comprising:

a housing (10) configured to be mounted on or adjacent a door (11), the housing (10) including a holder (20) configured to contain deodorant (Col. 4, lines 48-51), the holder (20) including a movable dispensing member (31), which upon movement dispenses a spray of deodorant from the holder (Col. 4, lines 60-65) ;

a sliding bar (50) having an end contactable by the door so that a door movement results in a movement of the sliding bar (Fig 2);

a press member (end of structure 68), coupled with the sliding bar (50), having a wedge-shaped surface (end of structure 68) that during movement of the sliding bar causes the dispensing member (31) to move in a direction transverse to the movement of the sliding bar (Fig 3),

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the sliding bar (50) comprises a guide (68) along which the press member (end of structure 68) can be moved in a direction transverse to the sliding bar (50) the press member (end of structure 68) operates a coupling piece (30) between the press member (end of structure 68) and the dispensing member (31), so that in operation a contact surface between the press member (end of structure 68) and the coupling piece (30) in a first movement (Fig 2) of the sliding bar (50) extends substantially parallel to the guide (68) in order to fix the press member (end of structure 68) transversely to the guide (68) in a position remote from the sliding bar (50), the contact surface (between 30 and wedge of 68) in a second movement (Fig 3), opposite to the first movement (Fig 2), is oriented substantially transversely to the guide (68), so that the press member (end of structure 68) is moved towards the sliding bar (50), and the coupling piece (30) comprises a round upper side (Fig 3, upper part of 30) which constitutes a contact surface (between 30 and wedge of 68) for the wedge-shaped press member (end of structure 68) and the guide (68) comprises guide pin (67) which are received in a guide slot (68), the guide slot (68) is contiguous to a recess in which at least one guide pin (67) can be received, in operation the guide pin (68, fig 2) in the first movement is fixed in the recess and in the second movement (68, fig 3) is pushed from the recess into the guide slot.

Referring to claim 8, Meshberg further discloses the sliding bar (50) is held under spring (51) tension in one position relative to the housing (Fig 2)

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Referring to claims 9 and 10, it would have been obvious to one of ordinary skill in art to have used a leaf spring in the air freshener instead of a regular spring due to the fact that leaf springs are made of lightweight composite materials and superior quality. Because it is a semi-elliptic spring, it has outstanding advantages of not only acting as a spring, to resiliently support, but also serves the important functions of positioning and cushioning.

Referring to claim 11, Meshberg further discloses a holder (20) for containing deodorant for inclusion in a housing (10) of an air freshener comprising a cap (21) and a propellant holder (20) connected with the cap (21), the cap (21) comprising a freely supported depressible dispensing member (31) configured to dispense a spray from the propellant holder (Figures 1 & 2).

Referring to claim 21, Meshberg further discloses a method for dispensing a spray of deodorant, with placing a holder (20) provided with a movable dispensing member (31), which upon movement dispenses a spray of deodorant from the holder (Fig 3), in a housing (10) for mounting on or adjacent a door (Col 1, lines 5-10);

moving, with the aid of a door movement (Fig 2, 11), a sliding bar (50) received in the housing (10) and having an end in contact with the door or doorway (Fig 2), so that a door movement results in a movement of the sliding bar(50, Fig 2);

providing a coupling piece (30) between a press member (end of structure 68), having a wedge-shaped surface (end of structure 68) and coupled with the

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sliding bar (50), and the dispensing member (31); wherein the coupling piece (30) comprises a round upper side (Fig 3, upper part of 30) which forms a contact surface (between 30 and wedge of 68) for the wedge-shaped press member (end of structure 68);

fixing the press member (end of structure 68), in a first movement (Fig 1) of the sliding bar (50), in a position remote from the sliding bar (50) in order to move the dispensing member (31) in a direction transverse to the movement of the sliding bar (50), for dispensing the spray (FIG 2);

moving the press member (end of structure 68) towards the sliding bar (50) in a second movement (Fig 3) proceeding opposite to the first movement (Fig 1), the sliding bar (50) comprises a guide (68) along which the press member (end of structure 68) can be moved in a direction transverse to the sliding bar (50) the press member (end of structure 68) operates a coupling piece (30) between the press member (end of structure 68) and the dispensing member (31), so that in operation a contact surface between the press member (end of structure 68) and the coupling piece (30) in a first movement (Fig 2) of the sliding bar (50) extends substantially parallel to the guide (68) in order to fix the press member (end of structure 68) transversely to the guide (68) in a position remote from the sliding bar (50), the contact surface (between 30 and wedge of 68) in a second movement (Fig 3), opposite to the first movement (Fig 2), is oriented substantially transversely to the guide (68), so that the press member (end of structure 68) is moved towards the sliding bar (50), and the coupling piece (30) comprises a round upper side (Fig 3, upper part of 30) which

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constitutes a contact surface (between 30 and wedge of 68) for the wedge-shaped press member (end of structure 68) and the guide (68) comprises guide pin (67) which are received in a guide slot (68), the guide slot (68) is contiguous to a recess in which at least one guide pin (67) can be received, in operation the guide pin (68, fig 2) in the first movement is fixed in the recess and in the second movement (68, fig 3) is pushed from the recess into the guide slot.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 7 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meshberg (US 3,858,762) in view of Marini (2,534,465).

Referring to claim 2, Meshberg shows an encased dispenser substantially according to claim 1, but does not show the coupling piece is rotatable and comprises a surface that is in contact with the dispensing member according to the claim 2. Marini teaches to provide a coupling piece is rotatable and

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comprises a surface that is in contact with the dispensing member in order to dispense the deodorant from the holder.

It would have been obvious to one having ordinary skill in the art to have included the coupling piece (44) is rotatable (wheel) and comprises a surface that is in contact with the dispensing member (8) of Marini in the encased dispenser of Meshberg in order to dispense the deodorant from the holder as taught by Marini.

Referring to claim 3, Meshberg shows an encased dispenser substantially according to claim 1, but does not show the coupling piece with a round underside which under counterpressure can be pressed into a recess of a cap of the holder according to the claim 3. Marini teaches to provide a coupling piece with a round underside which under counterpressure can be pressed into a recess of a cap of the holder in order to dispense the deodorant from the holder.

It would have been obvious to one having ordinary skill in the art to have included coupling piece with a round underside (44, wheel) which under counterpressure (Fig 7) can be pressed into a recess of a cap (31) of the holder (5) of Marini (Fig 7) in the encased dispenser of Meshberg in order to dispense the deodorant from the holder as taught by Marini.

Referring to claim 7, Meshberg shows an encased dispenser substantially

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according to claim 1, but does not show a coupling piece having a diameter of about 15mm and a length of about 4mm according to the claim 7. Marini teaches to provide a round coupling piece which could obviously have a diameter of about 15mm and a length of about 4mm or another size according to the claim 7 in order to fit the coupling piece with varying heights of space between the top of the door and ceiling.

It would have been obvious to one having ordinary skill in the art to have included a round coupling piece which would have a diameter of about 15mm and a length of about 4mm of Marini (Fig 7) in the encased dispenser of Meshberg in order to fit the coupling piece with varying heights of space between the top of the door and ceiling as taught by Marini.

Referring to claims 12 and 14, Meshberg shows an encased dispenser substantially according to claim 1, but does not show the dispensing member with a recess in which a round underside of the coupling piece can be pressed and the recess and round coupling piece of various dimensions according to the claims 12 and 14. Marini teaches to provide a dispensing member with a recess in which a round underside of the coupling piece can be pressed in order to allow the slidable coupling piece to dispense material from the holder.

It would have been obvious to one having ordinary skill in the art to have included the slidable coupling piece (44) to dispense material (Fig 7) from the holder (5) in which the recess and coupling piece of various dimensions of Marini

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in the encased dispenser of Meshberg in order to allow the slidable coupling piece to dispense material from the holder as taught by Marini.

Referring to claim 13, Meshberg discloses a V-shape (33, fig 9, V-shaped parts flexible downward by nozzle) part which forms a connection between the dispensing member and a wall of the cap.

5. Claims 5, 6, 15, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meshberg (US 3,858,762) in view of Faso (3,344,959).

Referring to claims 5 and 6, Meshberg shows an encased dispenser substantially according to claim 1, but does not show the housing comprising a slot configured to receive a plate-shaped part connected to the holder according to the claim 5. Faso teaches to provide a housing comprising a slot configured to receive a plate-shaped part connected to the holder in order to latch the casing to the door.

It would have been obvious to one having ordinary skill in the art to have included the housing comprising a slot (11, Fig 2) configured to receive a plate-shaped part (1,26, Fig 2) connected to the holder (12) of Faso in the encased dispenser of Meshberg in order to latch the casing to the door as taught by Faso.

Further it would have been obvious to one of ordinary skill in art to have the slot be of various dimensions as desired by the manufacturer. From the figures of Faso, the slot seems that it could be of the dimension of 39mm.

Referring to claims 15 and 16, Meshberg shows an encased dispenser substantially according to claim 1, but does not show the plate-shaped part encloses a casing which surrounds the propellant holder according to the claims. Faso teaches to provide the plate-shaped part encloses a casing which surrounds the propellant holder in order to have a means of positioning the casing on the door.

It would have been obvious to one having ordinary skill in the art to have included the plate-shaped part (1,26, Fig1) encloses a casing which surrounds the propellant holder (12) of Faso in the encased dispenser of Meshberg in order to have a means of positioning the casing on the door as taught by Faso.

Referring to claim 20, Faso further discloses the plate-shaped part and the lip (upper flat surface of 11). It would have been obvious to one of ordinary skill in the art to have the plate-shaped part and lip to be dimensions desired by the manufacturer. From the figures disclosed by Faso, the pate-shaped part could possibly be the dimension of 39mm and the lip (upper flat surface of 11) seems to be the dimension of 20mm as shown in fig 1.

6. Claim 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meshberg (US 3,858,762) in view of Faso (3,344,959) and further in view of Davis (3,224,644).

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Referring to claim 19, Meshberg shows an encased dispenser substantially according to claim 1, but does not show the plate-shaped part encloses a casing which surrounds the propellant holder according to the claim 19. Faso teaches to provide the plate-shaped part encloses a casing which surrounds the propellant holder in order to have a means of positioning the casing on the door.

It would have been obvious to one having ordinary skill in the art to have included the plate-shaped part (1,26, Fig1) encloses a casing which surrounds the propellant holder (12 of Faso in the encased dispenser of Meshberg in order to latch the casing to have a means of positioning the casing to the door as taught by Faso.

7. Claims 17 and 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meshberg (US 3,858,762) in view of Faso (3,344,959) and further in view of Marini et al (2,534,464).

Referring to claim 17 and 18, Meshberg shows an encased dispenser substantially according to claim 1, but does not show a plate-shaped part comprising a lip which an operator can engage to remove the holder from the housing and shows the lip reaches over the outlet piece of the dispensing member. according to the claims 17 and 18. Marini et al teaches to provide a plate-shaped part comprising a lip which an operator can engage to remove the holder from the housing in order to easily remove the container from the housing

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and shows the lip (17, fig 11) reaches over the outlet piece of the dispensing member.

It would have been obvious to one having ordinary skill in the art to have included plate-shaped part comprising a lip (17) which an operator can engage to remove the holder (7) from the housing (1) with the lip (17, fig 11) reaching over the outlet piece of the dispensing member of Marini et al in the encased dispenser of Meshberg in order to easily remove the container from the housing as taught by Marini et al.

Allowable Subject Matter

8. The indicated allowability of claims 4,6,9,10,13,14,18 and 20 is withdrawn after further consideration of references previously used. Examiner apologizes for any inconvenience caused by current decision.

Citation of Related Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Percher (US 6,785,911), Pagliario (US 4,171,776), and Spector (US 4,421,254) references also disclosed door-mounted dispensers.

Remarks

10. Applicant's arguments with respect to claims 4,6,9,10,13,14,18 and 20 have been considered but are moot in view of the new ground(s) of rejection.

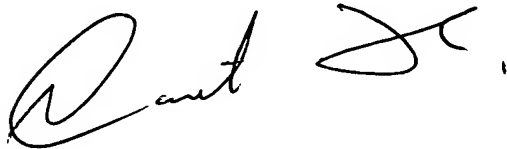
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Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet Sonia Khaira whose telephone number is 571-272-7142. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached at 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NK

Navneet Sonia Khaira
Examiner
Art Unit 3754



JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

5/31/05